

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ANDREW CORZO, SIA HENRY, ALEXANDER
LEO-GUERRA, MICHAEL MAERLENDER,
BRANDON PIYEVSKY, BENJAMIN
SHUMATE, BRITTANY TATIANA WEAVER,
and CAMERON WILLIAMS, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA
INSTITUTE OF TECHNOLOGY, UNIVERSITY
OF CHICAGO, THE TRUSTEES OF
COLUMBIA UNIVERSITY IN THE CITY OF
NEW YORK, CORNELL UNIVERSITY,
TRUSTEES OF DARTMOUTH COLLEGE,
DUKE UNIVERSITY, EMORY UNIVERSITY,
GEORGETOWN UNIVERSITY, THE JOHNS
HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY,
NORTHWESTERN UNIVERSITY,
UNIVERSITY OF NOTRE DAME DU LAC,
THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY,
and YALE UNIVERSITY,

Defendants.

Case No.: 1:22-cv-00125

Hon. Matthew F. Kennelly

**PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENTS
WITH DEFENDANTS CALIFORNIA INSTITUTE OF TECHNOLOGY AND THE
JOHNS HOPKINS UNIVERSITY, PROVISIONAL CERTIFICATION OF THE
PROPOSED SETTLEMENT CLASS, APPROVAL OF THE FOURTH TRANCHE
NOTICE PLAN, APPROVAL OF THE FOURTH TRANCHE ALLOCATION PLAN, AND
APPROVAL OF THE SCHEDULE FOR COMPLETING THE SETTLEMENT PROCESS**

Plaintiffs Andrew Corzo, Sia Henry, Alexander Leo-Guerra, Michael Maerlender, Brandon Piyevesky, Benjamin Shumate, Brittany Tatiana Weaver, and Cameron Williams (collectively, “Plaintiffs”), on behalf of themselves and a proposed Settlement Class, hereby move for an order in this Motion for Preliminary Approval (“Motion”) pursuant to Fed. R. Civ. P. 23:

1. Granting preliminary approval under Fed. R. Civ. P. 23(c)(2) and 23(e) of settlements between Plaintiffs and the proposed Settlement Class (defined below) with California Institute of Technology (“Caltech”) and The Johns Hopkins University (“Johns Hopkins”). These two settling Defendants are collectively referred to as the “Fourth Tranche Settling Universities” or “Fourth Tranche Settling Defendants;” these settlements are collectively referred to as the “Fourth Tranche Settlements;” and the executed settlement agreements for the Fourth Tranche Settling Defendants are collectively referred to as the “Settlement Agreements.” The Settlement Agreements are attached as Exhibits A & B to the January 17, 2025 Joint Declaration of Settlement Class Counsel in support of this Motion (referred to as the “Jan. 17, 2025 Joint Decl.”).

2. Finding that the Court will likely determine that the requirements of Federal Rules of Civil Procedure 23(a) and 23(b)(3) will be satisfied for settlement and judgment purposes only, and thus confirming the certification of the previously certified Settlement Class, which is set forth in the Court’s orders on July 20, 2024 (“Final Approval Order”) and as defined in the Settlement Agreements. *See* Final Approval Order, ECF No. 726 ¶ 3(a)-(b).

3. Confirming the appointment of Andrew Corzo, Sia Henry, Alexander Leo-Guerra, Michael Maerlender, Brandon Piyevesky, Benjamin Shumate, Brittany Tatiana Weaver, and

Cameron Williams as representatives of the Settlement Class (“Class Representatives”). *See* Final Approval Order ¶ 4.

4. Confirming the appointment of Freedman Normand Friedland LLP, Gilbert Litigators & Counselors PC, and Berger Montague PC as Settlement Class Counsel under Fed R. Civ. P. 23(g). *See* Final Approval Order ¶ 5.

5. Directing notice to the Settlement Class be provided pursuant to the Fourth Tranche Notice Plan (which Plan is detailed in the Jan. 17, 2025 Declaration of Steven Weisbrot, Esq.).

6. Preliminarily approving the Fourth Tranche Plan of Allocation (which is attached to the Jan. 17, 2025 Joint Decl. as Ex. C).

7. Reaffirming this Court’s finding that, pursuant to 34 C.F.R. § 99.37(a), that mailing addresses and email addresses in education records of current students of a Defendant¹ constitute “directory information” and may be disclosed, without consent, to the Settlement Claims Administrator for purposes of providing class notice in this litigation if (a) the Defendant has previously provided public notice that the mailing addresses and email addresses are considered “directory information” that may be disclosed to third parties including public notice of how students may restrict the disclosure of such information, and (b) the student has not exercised a right to block disclosure of current mailing addresses or email addresses (“FERPA Block”). *See* Third Tranche Preliminary Approval Order, ECF No. 638 ¶ 19; Second Tranche Preliminary Approval Order, ECF No. 614 ¶ 19; University of Chicago Preliminary Approval

¹ “Defendant” includes all seventeen Settling and Non-Settling Defendants. Brown University, California Institute of Technology, University of Chicago, Columbia University, Dartmouth College, Duke University, Emory University, Johns Hopkins University, Northwestern University, Rice University, Vanderbilt University, and Yale University are “Settling Defendants.” Cornell University, Georgetown University, Massachusetts Institute of Technology, University of Notre Dame, and University of Pennsylvania are “Non-Settling Defendants.”

Order, ECF No. 439 ¶ 17. Defendants shall not disclose from education records mailing addresses or email addresses subject to a FERPA Block. *See id.*

8. Reaffirming this Court’s finding, pursuant to 34 C.F.R. § 99.37(b), that mailing addresses and email addresses in education records of former students of a Defendant constitute “directory information” and may be disclosed, without consent, to the Settlement Claims Administrator for purposes of providing class notice in this litigation, provided that each Defendant continues to honor any valid and un-rescinded FERPA Block. *See* Third Tranche Preliminary Approval Order, ECF No. 638 ¶ 20; Second Tranche Preliminary Approval Order, ECF No. 614 ¶ 20; University of Chicago Preliminary Approval Order, ECF No. 439 ¶ 18.

9. Appointing Angeion Group (“Angeion”) as Settlement Claims Administrator for the Fourth Tranche Settlements. (The Court previously appointed Angeion as the Settlement Claims Administrator for the ten prior settlements. *See* Final Approval Order, ECF No. 726 ¶ 18.)

10. Appointing The Huntington National Bank (“Huntington Bank”) as Escrow Agent for the Fourth Tranche Settlements. (The Court previously appointed Huntington Bank as the Escrow Agent for the prior ten settlements. *See* Final Approval Order ¶ 17.)

11. Approving the Custodian/Escrow Agreement Fourth Tranche Settlements, dated Nov. 11, 2024 (the “Fourth Tranche Escrow Agreement”), attached at Exhibit D to Jan. 17, 2025 Joint Decl.

12. Approving the establishment of the Settlement Fund under the Settlement Agreements as a qualified settlement fund (“QSF”) pursuant to Internal Revenue Code Section 468B and the Treasury Regulations promulgated thereunder.

13. Staying of all litigation activity against the Settling Defendants on behalf of the Settlement Class pending final approval or termination of the Settlements.

14. Approving the proposed schedule for the Settlements, including the scheduling of a Fairness Hearing during which the Court will consider: (a) Plaintiffs' request for final approval of the Fourth Tranche Settlements and entry of a proposed order and final judgment; (b) Plaintiffs' counsel's application for attorneys' fees, reimbursement of expenses, service awards, and payment of administrative costs; and (c) Plaintiffs' request for the dismissal of this action only against Settling Universities with prejudice. The proposed schedule is as follows:

- No later than 30 days after the date of this Order, Angeion Group shall begin the process of providing notice to the Settlement Class, in accordance with the Fourth Tranche Notice Plan.

- No later than 60 days after the date of this Order, Settlement Class Counsel shall file a motion for attorneys' fees, unreimbursed litigation costs and expenses, and/or service awards for the Class Representatives, pursuant to the terms of the Settlement Agreements.

- By no later than 75 days after the date of this Order, Settlement Class Members may request exclusion from the Settlement Class or submit any objection to the proposed Settlements or to the Fourth Tranche Plan of Allocation, or to Settlement Class Counsel's request for attorneys' fees, unreimbursed litigation costs and expenses, and/or service awards to the Class Representatives.

WHEREFORE, for the reasons set forth in the accompanying memorandum of law, supporting Joint Declaration of Settlement Class Counsel, the declaration of the proposed Settlement Claims Administrator, and all exhibits filed in support of this Motion, Plaintiffs

respectfully request that the Court grant this Motion and enter the Preliminary Approval Order filed herewith. The Settling Defendants support this Motion.

Dated: January 17, 2025

Respectfully Submitted,

By: /s/ Robert D. Gilbert

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